

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal Action No. 15-CR-20077-09

vs.

HON. BERNARD A. FRIEDMAN

DELONTE B. HARRIS,

Defendant.

OPINION AND ORDER GRANTING IN PART AND DENYING IN PART
DEFENDANT'S MOTION THAT THE COURT CLERK
PROVIDE HIM WITH DOCUMENTS

This matter is presently before the Court on defendant's "motion to request that Clerk of the Court forward copies of Movant's docket sheet, sentencing transcripts, and plea agreement, and judgment and commitment order" [docket entry 273]. Defendant, who appears pro se, indicates that "[t]his request is based upon Movant's own personal needs in developing Movant's files and other personal records." The judgment in this matter was entered on May 6, 2016, and other than the instant motion, there are no other motions or proceedings pending before the Court.

With the exception of a copy of the docket sheet and a copy of the judgment and commitment order, which are enclosed with this order, the Court is not inclined to provide defendant with the documents he seeks at the public's expense. As to defendant's request for transcripts, "the Court is not required to provide transcripts to a defendant before he has asserted a facially viable claim." *United States v. Dickinson*, No. 1:14-cr-035, 2015 WL 5376460, at *3 (S.D. Ohio Sept. 14, 2015) (citing *United States v. MacCollom*, 426 U.S. 317, 321 (1976)). Moreover, "neither [28 U.S.C. § 1915] nor [28 U.S.C. § 753(f)] authorizes the furnishing of a

transcript where there is no motion to vacate sentence pending.” *Id.* (quoting *Ketcherside v. United States*, 317 F.2d 807, 808 (6th Cir. 1963)) (alterations in original). In the present case, defendant has not filed a § 2255 motion. As a result, his request for transcripts is denied.

Defendant’s request for a copy of the plea agreement is also denied. “[I]t is not the court’s or the Clerk of the Court’s responsibility to handle such clerical tasks, essentially operating as an electric storage facility and personal delivery service for Defendant.” *United States v. Darwich*, No. 10-20705, 2011 WL 2045570, at *1 (E.D. Mich. May 24, 2011) (citing *McKaskle v. Wiggins*, 465 U.S. 168 (1984)). Defendant is advised that he may contact the Clerk’s Office to inquire about the costs associated with his request for copies and to determine the proper procedures to be followed for obtaining the documents he seeks. Accordingly,

IT IS ORDERED that defendant’s “motion to request that Clerk of the Court forward copies of Movant’s docket sheet, sentencing transcripts, and plea agreement, and judgment and commitment order” is granted to the extent that defendant seeks a copy of the docket sheet and a copy of the judgment and commitment order, which are enclosed with this order. The motion is denied in all other respects.

Dated: October 5, 2018
Detroit, Michigan

s/Bernard A. Friedman
BERNARD A. FRIEDMAN
SENIOR UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first-class U.S. mail on October 5, 2018.

s/Johnetta M. Curry-Williams
Case Manager